

ORDERS ON MAINTAINABILITY

I have heard both sides on main petition. It is the contention of the JDr No.1 that Dhr No.2 has got married and DHr No.3 has attained majority and thus they are not entitled to arrears of maintenance as per decree. The JDr. No.1 has not produced any sort of documents to substantiate his objection regarding the date of marriage of Dhr No.2 and also the date of attaining of majority of Dhr No.3 to establish that they are not entitled to arrears of maintenance or not. Further, it is necessary to consider the point that the present execution petition is filed for the period 13.02.2012 to 13.03.2020. The Jdr. No.1 has not uttered a single word whether during this period the Dhr No.2 had got married or not and further the Dhr No.3 had attained majority or not. Mere averments in the objection of JDr No.1 does not suffice his allegation against the Dhr No.2 and 3.

Therefore, there are no grounds to consider the objection of the JDr No.1 without valid documentary proof. Thus, execution petition filed by Dhr No.1 to 3 for this period is maintainable. Therefore, the Dhr No.1 to 3 are permitted to take necessary steps to claim arrears of maintenance amount.

Call on for taking necessary steps, by 17.01.2022.

Sd/-
Prl. Civil Judge & JMFC,
K.R.Nagara.